

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Floyd's of Leadville, Inc., n/k/a Valued, Inc,
Plaintiff,

v.

Alexander Capital, L.P., et al.,
Defendants.

22 Civ. 3318

ORDER

DALE E. HO, United States District Judge:

This order resolves a number of recent discovery disputes raised by the parties. All disputes herein are to be resolved no later than October 31, 2024, unless otherwise indicated below.

1. Defendant Alexander Capital, L.P. ("ACLP") filed a motion to seal and motion to enjoin communications. *See* ECF Nos. 205, 206, 212. Application to file under seal is **DENIED**. Application to enjoin communications is **GRANTED**. ACLP and FOL agents are **DIRECTED** to communicate with one another on topics related to this matter only through their respective attorneys. Failure to do so may result in sanctions.
2. ACLP filed a motion for contempt as to non-party witnesses. *See* ECF No. 209. Application **GRANTED** as to the deposition of Christopher Ryan, and **DENIED IN REMAINING PART**. ACLP shall conduct another deposition of third-party witness Christopher Ryan on or before October 30, 2024. Mr. Ryan is **ORDERED** to submit to this deposition and engage in good faith. Any failure to do so may result in sanctions. ACLP is directed to refrain from asking duplicative questions that were asked and answered in any previous deposition conducted with Mr. Ryan (in this matter or in the "Colorado" matter).

3. FOL filed an unopposed motion seeking a protective order against non-party witnesses Alexandra Merle-Huet. *See* ECF No. 211. Application **GRANTED**.
4. ACLP filed a motion seeking leave to take the continued deposition of FOL's Rule 30(b)(6) representative after the close of fact discovery. *See* ECF No. 216. Application **GRANTED**. ACLP shall complete the deposition of Bob Bell no later than October 31, 2024.
5. FOL filed an unopposed motion seeking leave to take the continued depositions of three individuals after the close of fact discovery. *See* ECF No. 218. Application **GRANTED IN PART**. FOL shall complete the depositions of Defendants Mark Leonard and Ronald Barrie Clapham no later than October 31, 2024. FOL is directed to submit a one-page status letter regarding the deposition of Gregory Hurley within two days of the Delaware court's adjudication of the pending motion to quash.

Any requests for fees and costs related to any of these disputes are **DENIED**. The parties shall submit a joint one-page letter regarding the scheduling status of the aforementioned depositions by **October 25, 2024**.

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Notwithstanding the unresolved production disputes not discussed in this Order, the Court will not grant any further extensions for discovery. Expert discovery is scheduled to close on December 2, 2024. ECF No. 185. Accordingly, any future discovery disputes must be submitted to the Court **no later than November 15, 2024**. Disputes shall be filed in one joint letter submission that shall not exceed two pages. If the parties are unable to come to an agreement on the dispute, they must clearly lay out the views of each party in the joint two-page submission.

As previously determined, *see* ECF No. 185, the post-discovery status letter is to be submitted no later than December 12, 2024, and the post-discovery conference will be held on December 19, 2024, at 10:30 am ET. The virtual meeting information remains unchanged; the parties shall dial 646-453-4442, enter the meeting code 145659216, and press pound (#).

The Clerk of Court is directed to terminate ECF Nos. 205, 206, 209, 211, 216, 218, and to unseal ECF No. 206 and all related attachments.

SO ORDERED.

Dated: October 21, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is written above a horizontal line.

DALE E. HO
United States District Judge